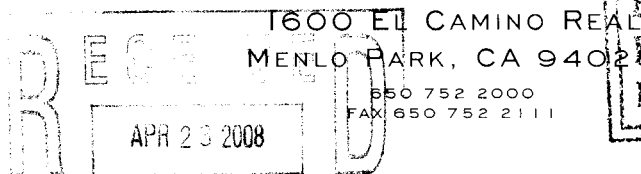


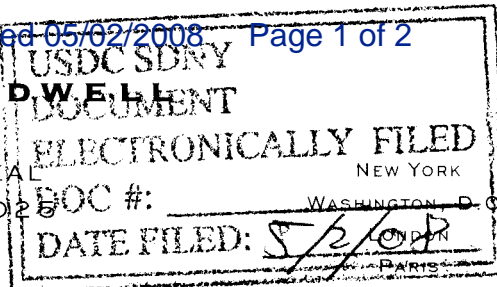
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CHAMBERS OF
WILLIAM H. PAULEY
U.S.D.J.

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NEW YORK
WASHINGTON, D.C.
PARIS
FRANKFURT
MADRID
TOKYO
BEIJING
HONG KONG

Re: *The Procter & Gamble Company v. Playtex Products, Inc.*, No. 08-cv-1532

MEMO ENDORSED

April 22, 2008

The Honorable William H. Pauley, III
United States District Judge
The Daniel Patrick Moynihan United States Courthouse
for the Southern District of New York
500 Pearl Street – Room 2210
New York, New York 10007

Dear Judge Pauley:

On behalf of Defendant Playtex Products, Inc. (“Playtex”), I write to clarify the briefing schedule Playtex intends to follow with regard to its cross-motion for summary judgment on Plaintiff Procter & Gamble (“P&G”)’s *res judicata* claim. By letter dated April 9, 2008, I noted that “the parties can simply follow the briefing schedule outlined in the Court’s Scheduling order of April 2, 2008 with regard to both P&G’s motion for summary judgment and Playtex’s cross-motion for summary judgment on the *res judicata* claim.” That letter was endorsed by Your Honor on April 16, 2008 and entered on the docket on April 22, 2008 (D.I. 30).

Playtex intends to file its cross-motion for summary judgment with its opposition to P&G’s motion, which, per this Court’s Order of April 2, 2008, is due on June 2, 2008. Accordingly, the briefing schedule for Playtex’s cross-motion for summary judgment would track that outlined in this Court’s Scheduling Order of April 2, 2008, as follows:

1. P&G shall serve and file its motion for summary judgment concerning its *res judicata* claim by May 1, 2008;
2. Playtex shall, by June 2, 2008, serve and file in a consolidated brief: (a) its opposition to P&G’s motion for summary judgment concerning P&G’s *res judicata* claim; and (b) its cross-motion for summary judgment on P&G’s *res judicata* claim;
3. P&G shall, by June 17, 2008, serve and file in a consolidated brief: (a) any reply in support of its motion for summary judgment concerning

The Honorable Judge William H. Pauley, III

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April 22, 2008

its *res judicata* claim; and (b) its opposition to Playtex's cross-motion for summary judgment on P&G's *res judicata* claim.

4. Oral argument on the cross-motions for summary judgment on P&G's *res judicata* claim shall take place July 11, 2008 at 11:00 a.m.

I have sent a notice, via electronic mail, to P&G's counsel clarifying that Playtex intends to follow the briefing schedule outlined above.

I apologize for any inconvenience to the Court occasioned by the ambiguity in my prior letter. I respectfully request that Your Honor endorse this letter and direct the clerk to enter it on the docket.

application granted.
SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

4/28/08

Respectfully,


Veronica C. Abreu

Attorney for Defendant Playtex Products, Inc.

SO ORDERED:

William H. Pauley III
United States District Judge

cc: Matthew B. Lehr
Harold P. Weinberger